

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NEIL JAMES ROBERSON,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. C24-0241-JCC

ORDER

This matter comes before the Court on Petitioner’s motions for relief from judgment (Dkt. Nos. 12, 13). The motions follow the Court’s order overruling Petitioner’s objections and adopting the Report and Recommendation (“R&R”) from the Honorable Theresa L. Fricke, United States Magistrate Judge, that the petition be dismissed without prejudice for failure to exhaust. (*See* Dkt. No. 7.)

The Court issued the judgment after concluding that Petitioner’s objections failed to address the exhaustion issue. (*See generally id.*) In now moving for relief from this judgment, Petitioner contends that the Court conducted an inadequate review of the R&R. (*See generally* Dkt. Nos. 12, 13.) But, again, the objections previously lodged were not responsive to the threshold issue of exhaustion, (*see* Dkt. No. 6), and on this basis, are not effective in triggering the *de novo* review Petitioner now seeks. *See Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1175 (9th Cir. 1996) (describing the requirements for an effective objection). Therefore, the

1 instant motions are ineffective.

2 Accordingly, Petitioner's motions for relief from judgment (Dkt. Nos. 12, 13) are  
3 DENIED and the Court DECLINES to issue a certificate of appealability.<sup>1</sup>

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5 DATED this 5th day of September 2024.

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9 John C. Coughenour  
10 UNITED STATES DISTRICT JUDGE  
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26 <sup>1</sup> No reasonable jurist could find that the petition at issue could have been resolved in a different manner, given the exhaustion issue. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003).